

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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JOSE AMILCAR AGUILAR,

Plaintiff,

vs.

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, FANNIE MAE, JOHN DOE  
(name being fictitious) and ABC CORP.  
(name being fictitious),

Defendants.

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**NOTICE OF REMOVAL**

**CIVIL ACTION NO.:**

**JURY TRIAL DEMANDED**

**DEFENDANT FEDERAL NATIONAL MORTGAGE ASSOCIATION'S  
NOTICE OF REMOVAL**

Defendant Federal National Mortgage Association (hereinafter referred to as "Fannie Mae" or "Defendant") files this Notice of Removal pursuant to 28 U.S.C. §1441(a) and (b) to remove this action from the Superior Court of New Jersey, Law Division, Hudson County, Docket No. HUD-L-5016-14, where it is now pending, to the United States District Court for the District of New Jersey. Defendant, in support thereof, states as follows:

1. A Civil Action has been brought against the above-identified Defendants by the Plaintiff Jose Amilcar Aguilar (hereinafter referred to as "Plaintiff") and is pending in the Superior Court of New Jersey, Law Division, Hudson County, docket number HUD-L-5016-14. Plaintiff's Complaint against the above named Defendants was filed on or about November 14, 2014, and served on Defendant on or about December 22, 2014. A copy of this Complaint is attached hereto as **Exhibit "A"**.

2. The State Court wherein this action was originally filed is located in Hudson County, New Jersey, which is embraced within this jurisdictional district.
3. Removal from the Superior Court of New Jersey Law Division, Hudson County is proper under 28 U.S.C. §§1441(a) and (b), which authorizes the removal of any civil action of which the District Courts of the United States has original jurisdiction and if “none of the parties in interest properly joined and served as a defendant is a citizen of the state in which such action is brought.”
4. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000.00 as set forth below.
5. Plaintiff alleges that he is a citizen of the State of New Jersey and resides at 241 Jewett Avenue, in the City of Jersey City, County of Hudson, New Jersey. See Exhibit “A”.
6. Pursuant to 12 U.S. Code §1717, Fannie Mae maintains its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.
7. Thus, Removal from the Superior Court of New Jersey, Law Division, Hudson County is proper under 28 U.S.C. §1441(a) and (b).
8. Plaintiff’s claims arise out of an alleged August 23, 2014 fall down accident or occurrence. In that accident or occurrence, Plaintiff claims that he was lawfully on the premises owned by Defendant located at 241 Jewett Avenue, Jersey City, NJ.
9. Plaintiff claims that at the premises at issue, Defendants allowed a dangerous condition to exist which created a hazard. Plaintiff alleges that due to the negligence of the Defendants, Plaintiff fell and sustained “grievous personal injury”, has incurred and will in the future incur great medical expenses, and has endured and will in the future endure great pain and suffering. See Exhibit “A”.

10. Plaintiff demands judgment against the Defendants for damages, interest and costs. See Exhibit "A".
11. Plaintiff's Complaint was filed on or about November 14, 2014 and served on Defendants on or about December 22, 2014. This Notice of Removal is being timely filed within 30 days of service on Defendants of the Complaint.
12. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000 as set forth below.
13. Via correspondence dated December 5, 2014, Fannie Mae's counsel wrote to Plaintiff's counsel, and informed Plaintiff's counsel of its client's intention to Remove this matter to the District Court, if Plaintiff was unwilling to enter into a Stipulation to Limit Damages to \$75,000 by December 8, 2014. A copy of letter dated December 5, 2014, is attached hereto as **Exhibit "B"**.
14. Counsel for Plaintiff and counsel for Fannie Mae subsequently communicated on December 5, 2014. Based on the communication(s), it is/was counsel for Defendant's impression that Plaintiff had refused and would not be signing the Stipulation to Limit Damages. It was also counsel for Defendant Fannie Mae's impression based on the communication(s) that Plaintiff was seeking an amount in excess of \$75,000.
15. Indeed, December 8, 2014 passed and Plaintiff's counsel refused to sign the Stipulation to Limit Damages to \$75,000. Furthermore, Plaintiff's counsel has not signed a stipulation to limit damages to \$75,000.00 to date in this matter.
16. The factors listed above, including the fact that Plaintiff claims that he suffered grievous personal injury and has refused to sign a Stipulation to Limit Damages to \$75,000 removes any tenuous inferences or assumptions whether the amount in controversy exceeds \$75,000. Based on the averments of this Notice of Removal and the attached

supporting documentation regarding Plaintiff's damages; the Court does not have to guess as to whether the jurisdictional threshold has been met.

17. Based on the foregoing, the requirements of 28 U.S.C. §1441(a) and (b), 1446 and 1332 have been satisfied and the within matter is properly removable.

**WHEREFORE**, Defendant Federal National Mortgage Association respectfully requests that the State Action be removed from the Superior Court of New Jersey Law Division, Hudson County to the United States District Court for the District of New Jersey.

Dated: December 22, 2014

s/ *John M. McConnell*  
John M. McConnell, Esquire  
**GOLDBERG SEGALLA LLP**  
902 Carnegie Center  
Suite 100  
Princeton, NJ 08540  
609-986-1326  
609-986-1301 - Fax  
Attorneys for Defendant Federal National  
Mortgage Association

Exhibit "A"

JOHNSON COUNTY SUPERIOR COURT  
JOHNSON COUNTY  
13 NEWARK AVENUE  
FREE CITY NJ 07306

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 217-5162  
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 18, 2014  
RE: AGUILAR VS FEDERAL NATIONAL MORTGAGE ASSOCI

ON E

DOCKET: HUD L -005016 14

THE ABOVE CASE HAS BEEN ASSIGNED TO TRACK 2

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON CHRISTINE M. VANEK

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001  
: (201) 795-6116

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE

TH R. 4:5A-2

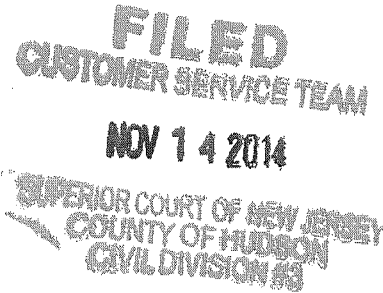
ATTENTION.

ATT: DOUGLAS D. BURGESS  
ICAZA & BURGESS PC  
550 BROAD ST STE 703  
NEWARK NJ 07102-4539

WTIBO

ICAZA & BURGESS, P.C.  
550 Broad Street  
SUITE 703  
Newark, New Jersey 07102  
(973) 799-0700

**NJ ATTORNEY ID: 019581990**



ATTORNEYS FOR PLAINTIFF  
JOSE AMILCAR AGUILAR,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NO: L-5016-14

PLAINTIFF,

vs.

CIVIL ACTION

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, FANNIE MAE, JOHN  
DOE (name being fictitious)  
ABC CORP., (name being  
fictitious),

COMPLAINT AND DEMAND  
FOR JURY TRIAL

DEFENDANTS,

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The Plaintiff, Jose Amilcar Aguilar, residing at 241 Jewett Avenue, in the City of Jersey City, County of Hudson, and State of New Jersey, says the following by way of Complaint against the Defendants:

FIRST COUNT

1. On or about August 23, 2014, the Plaintiff, Jose Amilcar Aguilar, was lawfully on the premises known as and located at 241 Jewett Avenue, in the City of Jersey City, County of Hudson, and State of New Jersey.

2. On the aforesaid date, and at all other times relevant hereto, the Defendants, Federal National Mortgage Association a/k/a Fannie Mae and/or ABC Corporation (name being fictitious) and/or John

Doe (name being fictitious), owned, operated, controlled, maintained and designed the aforesaid premises.

3. The Defendants were so negligent as to allow a dangerous condition to exist which created a hazard to persons lawfully on the premises.

4. As the result of the negligence of the Defendants, the Plaintiff fell and sustained grievous personal injury, has incurred and will in the future incur great medical expenses, and has endured and will in the future endure great pain and suffering.

**W H E R E F O R E**, the Plaintiff demands judgment against the Defendants for damages, interest and costs.

ICAZA & BURGESS, P.C.

BY: JUAN L. ICAZA, ESQ.

DATED: November 11, 2014

**JURY DEMAND**

The Plaintiff hereby demands a trial by jury as to all issues contained herein.

ICAZA & BURGESS, P.C.

BY: JUAN L. ICAZA, ESQ.

DATED: November 11, 2014



**CERTIFICATION**

I certify that the matter in controversy is not the subject of any pending action or arbitration proceeding, and that no other such action or arbitration is contemplated.

ICAZA & BURGESS, P.C.

BY: JUAN L. ICAZA, ESQ.



DATED: November 11, 2014

**DESIGNATION OF TRIAL COUNSEL**

In accordance with R.4:25-1(b)(14), Douglas D. Burgess, Esq., is hereby designated as trial counsel.



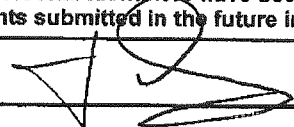
ICAZA & BURGESS, P.C.

BY: JUAN L. ICAZA, ESQ.



DATED: November 11, 2014

Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>  Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</b>		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
			CHG/CK NO.	
			AMOUNT:	
			OVERPAYMENT:	
		BATCH NUMBER:		
ATTORNEY / PRO SE NAME JUAN L. ICAZA, ESQ.		TELEPHONE NUMBER (973) 799-0700		COUNTY OF VENUE Hudson
FIRM NAME (if applicable) ICAZA & BURGESS, P.C.			DOCKET NUMBER (when available) HUD-L-5016-14	
OFFICE ADDRESS 550 BROAD STREET, SUITE 703, NEWARK, NEW JERSEY 07102			DOCUMENT TYPE COMPLAINT	
			JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) JOSE AMILCAR AGUILAR		CAPTION AGUILAR VS. FEDERAL NATIONAL MORTGAGE ASSOCIATION, ET ALS.		
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ESIS <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE? SPANISH <input checked="" type="checkbox"/>		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				

Side 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Multicounty Litigation (Track IV)

- |  |   |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT)  | 288 PRUDENTIAL TORT LITIGATION                            |
| 271 ACCUTANE/ISOTRETINOIN              | 289 REGLAN  |
| 274 RISPERDAL/SEROQUEL/ZYPREXA         | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION                |
| 278 ZOMETA/AREXIA                      | 291 PELVIC MESH/GYNECARE                                  |
| 279 GADOLINIUM                         | 292 PELVIC MESH/BARD                                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 282 FOSAMAX                            | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 284 NUVARING                           | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS       | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                           | 601 ASBESTOS  |
| 287 YAZYASMIN/OCELLA                   | 623 PROPECIA  |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐

Putative Class Action

☐

Title 59

Exhibit "B"

**John M. McConnell**

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**From:** John M. McConnell  
**Sent:** Friday, December 05, 2014 5:36 PM  
**To:** 'jicaza@icazaburgess.com'  
**Cc:** Adrienne N. Ferreira  
**Subject:** Aguilar v. Fannie Mae et al.  
**Attachments:** Stipulation - #3326149.PDF  
  
**ProfileOnSend:** 1

Dear Juan:

I attempted to contact you this afternoon but was unable to reach you. Please be advised that I am representing Defendants named as Federal National Mortgage Association and Fannie Mae in this case.

Enclosed please find a Stipulation to Limit Damages. If you do not sign and return the Stipulation by 5:00PM on December 8, 2014, my client has instructed me to remove this case to the United States District Court for the District of New Jersey thereafter.

Thank you very much.

Very truly yours,

John M. McConnell



New York | London | Chicago | Philadelphia | Princeton | Hartford  
Buffalo | Rochester | Syracuse | Albany | White Plains | Garden City

**John M. McConnell, Esq.**

902 Carnegie Center, Suite 100 | Princeton, NJ 08540-6530  
DIRECT 609.986.1326 | FAX 609.986.1301  
MOBILE 610.613.5742  
[jmcconnell@goldbergsegalla.com](mailto:jmcconnell@goldbergsegalla.com)

**View Profile and vCard | [www.GoldbergSegalla.com](http://www.GoldbergSegalla.com)**

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*Privileged Attorney-Client Communication / Attorney's Work Product*